

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**CREATIVE INTERNET
ADVERTISING CORPORATION,**

Plaintiff,

v.

YAHOO! INC., et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION No. 6:07cv354-JDL

FINAL JUDGMENT

Pursuant to Rule 58 of the Federal Rules of Civil Procedure and in accordance with the jury verdict delivered on May 15, 2009, the Court's contemporaneous Memorandum Opinion and Order, the Court's December 8, 2009 Memorandum Opinion and Order, and the entirety of the record available to this Court, the Court **ORDERS AND ENTERS FINAL JUDGMENT** as follows:

- Defendant Yahoo, Inc. ("Yahoo") is found to have unlawfully infringed U.S. Patent No. 6,205,432 ("the '432 patent").
- Defendant Yahoo is found to have infringed the '432 patent willfully.
- The '432 patent is valid and enforceable.
- As decided in the Court's July 30, 2009 Memorandum Opinion and Order (Doc. No. 300), Creative Internet Advertising Corporation's ("CIAC") damage award is not barred by laches.
- The Court awards damages to CIAC for Yahoo's infringement of the '432 patent in the amount of \$6,625,584 for infringement occurring prior to November 30, 2008.

This damage amount was enhanced by two-thirds, or \$4,417,056, for willful infringement.

- CIAC is further awarded supplemental damages of \$185,694 for infringement occurring after November 30, 2008 and up until the entry of verdict on May 15, 2009. This damage amount was enhanced by two-thirds, or \$123,796, for willful infringement.
- CIAC is further awarded a post-verdict ongoing royalty rate of 23% for all IMVironments sales. The terms of that ongoing royalty are discussed in a separate Order of this Court. Yahoo is ordered to make such payments quarterly for the remaining life of the '432 patent.
- The total award for past damages, including enhanced damages, totals \$11,352,130.
- CIAC is further awarded pre-judgment interest on the damages awarded at trial. Prejudgment interest on the \$6,625,584 past damages award, amounts to and should be \$1,099,187.13.
- CIAC is further awarded prejudgment interest on the \$185,694 supplemental damage award for infringement occurring between November 30, 2008 and May 15, 2009.
- Prejudgment interest will also be included on royalties for sales that occurred between the date of the jury's verdict and the date of this Final Judgment, employing the same methodology used to compute prejudgment interest due on the past damages awards.

- CIAC is entitled to post-judgment interest as provided for by 28 U.S.C. § 1961 for any time period between entry of this Final Judgment and the date upon which CIAC receives payment from Yahoo as ordered herein.

All relief not specifically granted herein is **DENIED**. This is a Final Judgment and is appealable.

So ORDERED and SIGNED this 1st day of February, 2010.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE